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**FEDERAL DEFENDERS OF EASTERN
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Attorneys for Defendant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DUSTIN HOLM,

Defendant.

Case No. CR-03-220-F-BLW

**MOTION TO CONTINUE PRE-TRIAL
AND TRIAL**

COMES NOW Defendant, Dustin Holm, by and through counsel, and respectfully moves this Court pursuant to 18 U.S.C. 3161(h)(8) and (B) to continue the pretrial now scheduled for April 15, 2004, and the trial now scheduled for April 26, 2004, on the grounds that counsel for Defendant would like a mental competency evaluation completed on Defendant to determine Defendant's ability to understand the charges against him and assist in his own defense. Counsel is in the process of scheduling the evaluation with Dr. Kenneth Lindsey and expects said evaluation to be completed within the next thirty days. Counsel requests that said pre-trial and trial be continued to at least thirty days to allow for completion of said mental evaluation.

Defendant further represents that the government does not object to the continuance.

Defendant suggests that any delay in the pretrial hearing is justified by the ends of justice and would allow a more informed and accurate assessment of the impact of proceeding to trial.

Finally, Defendant Holm has been informed and consents to the continuance requested. Defendant Holm is incarcerated at the Bonneville County Jail. Mr. Holm is also serving a substantial sentence of twenty years to life incarceration imposed by the State of Idaho for unrelated offenses.

DATED this 12 day of April, 2004.

Federal Defenders of E. Washington and Idaho
Attorneys for Defendant

By: _____

Steven V. Richert

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 12 day of April, 2004, I served a true and correct copy of the foregoing document as follows:

Jack B. Haycock, Esq.
Assistant United States Attorney
District of Idaho
801 East Sherman, Ste. 192
Pocatello, ID 83201

☐ U.S. Mail, postage prepaid
☒ Hand Delivery
☐ Overnight Mail
☐ Facsimile

By: _____

Steven V. Richert